

### Remarks

Election of Claims 1 through 9 is hereby affirmed.

Reconsideration of the above-captioned application is respectfully requested. All pending claims (1-9) have been rejected. Claim 5 has been rejected under 35 U.S.C. § 112 as being indefinite, and claims 1-9 have been rejected as being anticipated by Chao. Claims 1-9 have also been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeBlock et al. in view of Hoy et al. Moreover, claims 2-9 have been rejected as being unpatentable over DeBlock et al. in view of Hoy et al. and Blackmon et al.

To overcome the Examiner's rejections, independent claims 1 and 6 have been amended to indicate that the flashing is metal. Support for these amendments can be found, inter alia, in the specification on page 6, lines 15 and 16. Claim 5 has been amended to particularly point out and claim that the at least one rib formed along the at least part of the periphery of the flashing skirt is a peripheral rib. Support for this amendment can be found, inter alia, in the specification on page 5, lines 15 - 22.

### Rejections Under 35 U.S.C. §112(e)

Claim 5 has been rejected under 35 U.S.C. §112(e) as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner has found it unclear if the rib of Claim 5 is the same as the rib of Claim 3. It can be the same or a different rib, but to refocus Claim 5, Claim 5 now recites that the rib is a peripheral rib.

#### Rejections Under 35 U.S.C. §102(e)

Claims 1-9 have been rejected under 35 U.S.C. §102(e) as being anticipated by Chao. Applicant respectfully points out that the applicant owns the Chao patent, and as such, the applicant is intimately familiar with the Chao patent. The Chao patent does not include a seamless curb nor has the Examiner alleged otherwise. Since each and every feature must be shown in a reference to support an anticipation rejection, this rejection is overcome.

#### Rejections Under 35 U.S.C. §103(a)

Claims 1-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over DeBlock et al. in view of Hoy et al. DeBlock et al. fails to teach or suggest a skylight having a seamless flashing. On the other hand, Hoy et al. appears to teach a plastic curb. As taught in Hoy et al., the plastic curb is vacuum formed to the shape described in the description, see Hoy et al. abstract. Applicant respectfully asserts that there cannot be a suggestion of a seamless metal flashing in Hoy et al. not only because Hoy et al. never mentions "metal" in the context of its curb, but also because metal cannot be vacuum formed. Therefore, applicant respectfully asserts that the presently amended claims are not obvious in light of Hoy et al. and DeBlock et al.

Claims 2-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over DeBlock et al. in view of Hoy et al. and Blackmon et al., used as a teaching of ribs. Blackmon et al. does not appear to teach the use of ribs to fortify a seamless metal flashing used in



in conjunction with a skylight. Therefore, applicant respectfully asserts that the presently amended claims are not obvious in light of DeBlock et al., Hoy et al., and Blackmon et al.

Applicant respectfully asserts that the presently claimed invention is patentably distinct from the cited references, and Applicant therefore requests that the present rejections be withdrawn and the instant application passed to allowance. The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

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